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Attorneys for Defendant
PELOTON INTERACTIVE, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GABRIELLE E. CARRICK, on
behalf of herself and other similarly
situated

Plaintiff,

v.

PELOTON INTERACTIVE, INC.;
and DOES 1 through 100, inclusive

Defendants.

Case No.: 5:23-cv-04233-EKL

Formally Related to:

Case No: 5:24-cv-00212-EKL

The Honorable Eumi K. Lee

**JOINT STIPULATION FOR
DISMISSAL OF PLAINTIFF'S
CLAIMS WITH PREJUDICE;
[PROPOSED] ORDER**

Action Filed: June 16, 2023
Trial Date: None Set

JOINT STIPULATION

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Plaintiff Gabrielle E. Carrick (“Plaintiff”) and Defendant Peloton Interactive, Inc. (“Defendant” and collectively with Plaintiff, the “Parties”), by and through their respective counsel of record, hereby stipulate and agree as follows:

WHEREAS, on June 16, 2023, Plaintiff filed the instant action, Case No., 23CV417694, against Defendant in Santa Clara Superior Court, alleging the following wage and hour violations against Defendant on behalf of herself and all non-exempt hourly employees in California: (1) “Failure to Pay Overtime Wages”; (2) “Failure to Provide Meal Periods”; (3) “Failure to Provide Rest Periods”; (4) “Failure to Reimburse Business Expenses”; (5) “Non-Compliant Wage Statements”; (6) “Wages and Final Wages Not Timely Paid”; and (7) “Violation of Business & Professions Code § 17200, *et seq.*”

WHEREAS, on August 23, 2023, Defendant removed this action to the United States District Court, Northern District of California. (Dkt. No. 1.) This action, pending before the United States District Court, Northern District of California, Case No. 5:23-cv-04233-EKL, was initially assigned to the Honorable Susan Van Keulen, but was reassigned to the Honorable P. Casey Pitts. (Dkt. No. 27.) This case was again reassigned to the Honorable Eumi K. Lee and is now pending before this Court. (Dkt. No. 36.)

WHEREAS, on June 3, 2024, the Parties filed a Joint Report in this action stating that the order granting preliminary approval of the class settlement in an earlier-filed class action, entitled *Cohen v. Peloton* (Case No.: CV 22-1425-MWF), completely subsumed all of the class claims and parties alleged in the instant action. (Dkt. No. 30.) As part of the Joint Report, Plaintiff agreed to dismiss the *Carrick* Class Action. (*Id.*)

WHEREAS, on July 26, 2024, the Parties filed a Joint Stipulation for Dismissal of Plaintiff’s Class Action Claims Without Prejudice. (Dkt. No. 31.)

1 **WHEREAS**, on July 29, 2024, the Honorable P. Casey Pitts issued an Order
2 granting the Joint Stipulation for Dismissal of Plaintiff's Class Action Claims
3 Without Prejudice. (Dkt. No. 32.)

4 **WHEREAS**, on September 16, 2024, the Parties filed a Joint Case
5 Management Statement. (Dkt. No. 37.) Defendant asserted in the Joint Case
6 Management Statement that they were meeting and conferring with Plaintiff's
7 counsel to request that Plaintiff dismiss her remaining individual claims with
8 prejudice. (*Id.*)

9 **WHEREAS**, the Parties have met and conferred and Plaintiff has agreed to
10 dismiss this action with prejudice. This dismissal applies only to Case No. 5:23-
11 cv-04233-EKL, and does not include a dismissal of Plaintiff's lawsuit pending in
12 the Superior Court of the State of California, County of Santa Clara, Case No.
13 23CV424909.

14 **WHEREAS**, with respect to Case No. 5:23-cv-04233-EKL, Defendant
15 agrees that, upon dismissal of this action, it waives any and all claims against
16 Plaintiff for malicious prosecution and/or abuse of process;

17 **WHEREAS**, each party agrees to bear their own fees and costs.

18 **NOW, THEREFORE, THE PARTIES STIPULATE AND AGREE,**
19 **SUBJECT TO THE COURT'S APPROVAL**, that Plaintiff's claims in the
20 instant action are hereby dismissed, with prejudice.
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1 DATED: November 25, 2024

Respectfully submitted,

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LAVI & EBRAHIMIAN, LLP

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By: /s/ Vincent C. Granberry

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Joseph Lavi, Esq.

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Vincent C. Granberry

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Attorneys for Plaintiff

GABRIELLE E. CARRICK

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DATED: November 25, 2024

Respectfully submitted,

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SEYFARTH SHAW, LLP

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By: /s/ Jessica C. Koenig

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Jonathan L. Brophy

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Michael Afar

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Laura E. Heyne

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Jessica C. Koenig

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Attorneys for Defendant

PELOTON INTERACTIVE, INC.

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Pursuant to Local Rule 5-4.3.4(a)(2), I, Jessica C. Koenig, certify that all other signatories listed, on whose behalf the filing is submitted, concur in the filing's content and have authorized the filing.

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/s/ Jessica C. Koenig

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[PROPOSED] ORDER

Based on the Parties' Stipulation, the Clerk of this Court is directed to dismiss Plaintiff's claims in the action, bearing Case No. 5:23-cv-04233-EKL, with prejudice. Each party is to bear their own costs, expenses and fees.

IT IS SO ORDERED.

Dated: November 29, 2024


UNITED STATES DISTRICT
JUDGE EUMI K. LEE